

FILED

2012 DEC -7 PM 12:32

U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

FEDERAL HOME LOAN MORTGAGE
CORPORATION, ET AL.,

Plaintiffs,

vs.

ELSA DOLORES RODAS, ET AL.,

Defendants.

CASE NO. CV 12-10166 UA (DUTYx)

ORDER SUMMARILY REMANDING
IMPROPERLY-REMOVED ACTION

The Court remands this unlawful detainer action to state court summarily because defendant Elsa Rodas ("Defendant") removed it improperly.

On November 28, 2012, Defendant, having been sued in what appears to be a routine unlawful detainer action in California state court, lodged a Notice of Removal of that action to this Court and also presented an application to proceed *in forma pauperis*. The Court has denied the latter application under separate cover because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

Simply stated, Plaintiff could not have brought this action in federal court in the first place, and Defendant does not competently allege facts supplying either diversity or federal-question jurisdiction. Therefore, removal is improper. 28 U.S.C.

1 § 1441(a); *see Exxon Mobil Corp. v. Allapattah Svcs., Inc.*, 545 U.S. 546, 563, 125 S.
2 Ct. 2611, 162 L. Ed. 2d 502 (2005). Even if complete diversity of citizenship exists,
3 the amount in controversy does not exceed the diversity-jurisdiction threshold of
4 \$75,000. *See* 28 U.S.C. §§ 1332, 1441(b). On the contrary, the unlawful-detainer
5 complaint recites that the amount in controversy does not exceed \$10,000. Nor does
6 Plaintiff's unlawful detainer action raise any federal legal question. *See* 28 U.S.C.
7 §§ 1331, 1441(b).

8 Defendant is further notified and warned that any subsequent attempts to
9 remove the underlying state unlawful detainer action to this Court will be improper
10 and will constitute vexatious conduct that the Court will address by way of punitive
11 remedial measures, which may include having Defendant designated as a vexatious
12 litigant and barred from commencing any further removal actions with respect to the
13 underlying state unlawful detainer action.

14 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the
15 Superior Court of California, County of Los Angeles, 505 South Centre Street, San
16 Pedro, California 90731, for lack of subject matter jurisdiction pursuant to 28 U.S.C.
17 § 1447(c); (2) that the clerk send a certified copy of this Order to the state court; and
18 (3) that the clerk serve copies of this Order on the parties.

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20 IT IS SO ORDERED.

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22 DATED: 12/5/12

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GEORGE KING
CHIEF JUDGE